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PTO/SB/61 (11-08)

Approved for use through 12/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First Named Inventor: Wilson, James C.Art Unit: 3611Application Number: 10/550,944Examiner: ISLAM, SYED AFiled: 09/28/05

Title:

FORM FITTING LABEL AND METHOD OF MANUFACTURER

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
Amendment (identify the type of reply):
☒ has been filed previously on _____

☒ is enclosed herewith.

B The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 24 2008

PTO/SB/61 (11-08)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

23 December 2008

Date

James C. Wilson

Typed or printed name

300 N Prescott Ave.

Address

Clearwater, FL 33755

Address

Registration Number, if applicable

727-744-7684

Telephone Number

- Enclosure ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

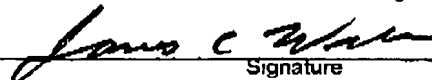
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

23 December 2008

Date



Signature

James C. Wilson

Typed or printed name of person signing certificate

[Page 2 of 3]

DEC 24 2008

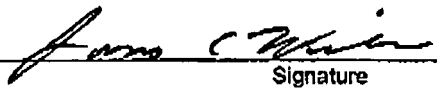
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

	23 December 2008
Signature	Date
James C. Wilson	
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Commissioner for Patents

There was an unavoidable delay in the filing of my response to the final office action in my patent. Here is the sequence of events and actions.

1. Final response faxed and mailed on the 14 April 2008.
2. Notice of Abandonment 21 August 2008.
3. I called and found out the final response had not been received by the examiner. I resent the final response on 5 September.
4. In December I called the examiner as I had not gotten a response. He still did not have the response. I called the patent office general number to trace down the response I found out why it had not gotten to the examiner.

The only explanation we could come up with was the application number was incorrectly typed on the final response. It was typed 10/550.994 not 10/550.944. The final response was not in the incorrect numbered file either. The response had become lost even though all other data was correct and the patent was easily found by the person helping me.

I was never notified of this error and would have corrected if I had known. This was not intentional.

Attached is proof of the filled final response with the application number error.

also attached is the final response with corrected application number.

Please waive any fees associated with this Petition.

Respectfully Submitted,

James C Wilson
300 N. Prescott Ave.
Clearwater, FL 33755
PH: (727) 744-7684
FX: (813) 354-4880

(Please attach additional sheets if additional space is needed.)

(Page 3 of 3)

USPTO

4/14/2008 3:46:06 PM PAGE 1/001 Fax Server

TO: Auto-reply fax to 7274479371 COMPANY:

Auto-Reply Facsimile Transmission



TO:

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Fax Information

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Page

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04/14/2008 15:08	7274479371	FEDEX KINKOS 1617	PAGE 04/09
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: WILSON, JAMES C.

SERIAL NUMBER: 10550,994

FILED: 092805


FOR: FORM FITTING LABEL AND METHOD OF MANUFACTURE

ART UNIT: 3611

EXAMINER: ISLAM, SYED A.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being placed in an envelope with sufficient postage affixed thereon and deposited at Express Mail addressed to Mail Stop Administrative, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 14 day of April 2008.

By: 
James C. Wilson

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

This is in response to the Final Office Action dated 01/16/2008. Please amend the above captioned application as shown herein. Attached are:

- 1) Marked-up Copy of Claims as Amended;
- 2) Applicant's Remarks

Reconsideration and Notice of Allowance are respectfully requested.

If the Examiner is of the opinion that direct contact with applicant would expedite the prosecution of this case, the Examiner is hereby authorized to call the applicant subject at 727-744-7684.

1

PAGE 04/15 RCVD AT 04/14/2008 14:57 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/34 * DNIS:2738300 * CSID:7274479371 * DURATION (mm:ss):04:20



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
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Sales Receipt		
Product	Sale Unit	Final
Description	Qty Price	Price
ALEXANDRIA VA 22313		\$16.50
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3.50 oz.		
Label #:	EB884965896US	
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Return Rcpt (Green Card)		\$2.20
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Issue PVI:		\$18.70
Total:		\$18.70
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Phone - 727-744-7684
Fax - 813-354-4880

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DEC 24 2008

Syed A Islam
Patent Examiner
C/O Commissioner for Patents
Mail Stop AF
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Alexandria, VA 22313-1450

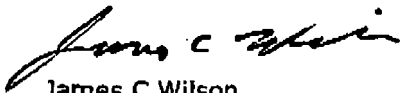
~~4 October 2008~~ 4 SEPTEMBER 2008

RE: Serial Number: 10/550,994

Sir,

Please accept this duplicate copy of my response to the Final Office Action dated 01/16/2008. Please place the response into the file and proceed with the prosecution of the patent. Apparently the original that was sent on 04/14/08 has been lost. Also attached is the return receipt of the document that was sent.

Respectfully Submitted,



James C Wilson
300 North Prescott Ave.
Clearwater, FL 33755
PH: (727) 744-7684
FX: (813) 354-4880